Research Proposal of the Thesis Entitled

Analytic Study on the Social Justice Commitment of the Supreme Court of India: New Development

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Submitted by

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Abstract

The concept of social justice serves as a cornerstone of the Indian Constitution, reflecting its commitment to equality, human dignity, and inclusive development. This research proposal seeks to critically examine the commitment of the Supreme Court of India toward social justice as part of its constitutional mandate. The judiciary has historically played a pivotal role in upholding constitutional values and expanding the scope of social justice through landmark judgments, innovative interpretations of rights, and the development of Public Interest Litigation (PIL). The study aims to analyze how the Supreme Court's jurisprudence has addressed systemic inequalities, protected marginalized communities, and influenced policy reforms in areas such as caste, gender, minority rights, and socio-economic entitlements. It will also evaluate how judicial activism has complemented—or sometimes challenged—the roles of the legislature and executive in promoting social justice. Through a doctrinal research methodology supported by constitutional texts, case law analysis, and legal commentaries, the study will identify existing gaps, barriers to implementation, and the implications of recent judicial interventions. By situating the Court's evolving role within the broader discourse on constitutional justice, this research aspires to contribute to a deeper understanding of the Supreme Court's enduring commitment to equitable governance.

Keywords: Social Justice, Supreme Court, Judicial Activism, Constitutional Law, Marginalized Communities.

1. Introduction

Social justice in India has undergone a profound transformation since the framing of the Constitution, emerging as a central pillar in the nation's legal and democratic architecture. Rooted in the Preamble and reinforced through Articles 14, 15, 16, 21, 38, and 46, the concept signifies the State's obligation to eliminate inequalities and empower disadvantaged sections of society. Initially designed to correct historical injustices related to caste, class, and gender, the scope of social justice has expanded to encompass contemporary issues such as minority rights, environmental equity, disability inclusion, and access to healthcare and education. The framers of the Constitution envisioned a welfare state committed to distributive justice, and this vision has been progressively interpreted and applied through state policy and judicial intervention.

Social justice in India is a foundational principle of the Constitution, reflected in the Preamble's assurance of justice—social, economic, and political—and reinforced by provisions such as Articles 14, 15, 16, 21, 38, and 46. These provisions collectively seek to remove systemic inequalities, protect the rights of marginalized groups, and promote inclusive development. The idea of social justice, initially conceived to redress historical injustices of caste, class, and gender, has since evolved to address contemporary challenges, including minority rights, environmental equity, and access to healthcare and education. Thus, in the Indian context, social justice is not a static doctrine but a dynamic, evolving constitutional goal that continues to adapt to social and political realities.

Within this framework, the judiciary—particularly the Supreme Court of India—has played a significant role in upholding and reinforcing constitutional values of social justice. Landmark judgments such as *Kesavananda Bharati v. State of Kerala* (1973), *Indra Sawhney v. Union of India* (1992), and innovations like Public Interest Litigation (PIL) have transformed constitutional promises into concrete rights for the marginalized and underprivileged. Judicial activism has served as a catalyst in expanding the meaning of equality and liberty, often stepping in when legislative or executive measures have been inadequate.

Although the Supreme Court has also experimented with institutional mechanisms, such as the establishment of a Social Justice Committee to provide additional support in matters of access to justice, this remains supplementary to its broader jurisprudence. The Committee's activities are relatively underexplored and cannot be treated as the core of the Court's social justice role. As Amartya Sen reminds us in *The Idea of Justice*, justice is not merely a matter of creating institutions

but of achieving equitable outcomes for real people under real circumstances. Hence, the focus of this study is on the Supreme Court's constitutional commitment to social justice as reflected in its jurisprudence and activism, with institutional mechanisms like the Committee considered only as part of the wider judicial framework.

Importance of the Study

It can be seen that, even though strong constitutional protections of the right to social justice exist in the Indian Constitution, their pursuit remains uneven across different regions and social groups. Articles 14, 15, 16, 21, and 46 emphasize equality, non-discrimination, and the protection of underprivileged and marginalized communities. Yet the lived experiences of millions—particularly Scheduled Castes, Scheduled Tribes, Other Backward Classes, women, and religious minorities—often reflect conditions of persistent socio-economic deprivation and lack of meaningful access to justice. This gap between constitutional promise and social reality highlights the limitations of existing mechanisms and calls for a re-examination of their effectiveness.

Social justice is not a fixed doctrine in India; it evolves continuously with changing social, political, and legal contexts. The Supreme Court has played a revolutionary role in this evolution. Through its philosophy of judicial activism, the Court has delivered a succession of historic judgments and introduced procedural innovations such as Public Interest Litigation (PIL), which has significantly expanded access to justice. By creatively interpreting constitutional provisions, the Court has helped translate abstract guarantees into substantive rights that directly impact marginalized communities.

The present study is worthwhile because it bridges the gap between socio-legal ideals and practical legal philosophy. It seeks to critically analyze the Supreme Court's role in advancing social justice, exploring how judicial will has been transformed into an instrument of social change. By examining constitutional provisions, landmark cases, and evolving jurisprudence, the study contributes to broader discussions on accountability, access to justice, and the role of the judiciary in sustaining a robust Indian constitutional democracy.

2. Literature Review

John Rawls is one of the most outstanding philosophers to ever describe the concept of justice in a book. However, unlike in the A Theory of Justice where he formulated the theory of justice as fairness that was based on two main themes, i.e. equal basic liberty to all, and the social and economic inequality, the differentiation patterns that would benefit the worst off. His interest on distributive justice has shaped the entire liberal democratic thought of the universe and continues to form an indelible citation in any discourse on constitutional justice and fairness in institutes.[1] Another solution to this has been provided by Friedrich Hayek who opposed the idea of social justice. In his premise, he maintained that social justice is a vaguely imagined and misconception that will threaten personal freedom and anarchy of the market-based democracy. In his book The Mirage of Social Justice he believed that justice must be contemplated as a characteristic of the actions of individuals and must not be considered as a community issue or as an institutional behavioral matter.[2]

Amartya Sen has been forced to shift the discourse of justice and came up with a concept of the, what is referred to as the, capability approach. Sen did not pay so much attention to the principles as it is done by Rawls but to real life chances and what people may do and be. His contribution began by the emphasis that legal and institutional structures become vacuous until they have been transformed into possibilities and possibilities of actual people especially the neglected. The model has a particular relevance under the Indian context as the formal assurances by itself cannot result in a fair outcome in an Indian context..[3]

S.P. Sathe is what can possibly be considered one of the most prominent constitutional researches, who had helped raise awareness of the subject of judicial activism in India. He asserted that judiciary plays a positive role when other organs of the state become inert and judicial activism is

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[1] John Rawls, *A Theory of Justice*, (Harvard University Press, Cambridge, 1971).

[2] F.A. Hayek, *Law, Legislation and Liberty: Volume 2 – The Mirage of Social Justice*, (Routledge, London, 1976).

[3] Amartya Sen, *The Idea of Justice*, (Harvard University Press, Cambridge, 2009).

permissible, and even demanded in a democratic state in delivery of justice and protection of basic rights of underprivileged stakeholders in the society.[4]

Upendra Baxi has presented a critical view on judicial activism but in the same time acknowledges that it could be of value but needs to be exercised sparingly. He pointed out that Public Interest Litigation (PIL) through which citizens have been empowered by the judiciary is the reason why judiciary may turn out to be a policymaker without any mandate to do so. The work by Baxi calls scholars to consider over judicial determination by investigating the larger public appetite or the maintenance of the hierarchy.[5]

D.D.Basu is considered as one of the most authoritarian author regarding the Indian constitutional law. He has gone into great details in this respect in his magnum opus with regard to the apparent meanings of the fundamental rights, the directive principles which are legal frameworks to the social justice in India. The case he builds in Articles 14,15, and 21 contains a solid legal rationale on how equality and non-discrimination, and personal liberty were extended during the course of judicial history to socio-economic rights to the marginalized groups of people.[6]

The contributions of M.P. Jain are significant in the explanation of the dynamic development of the Indian constitutional law, especially in terms of judicial creativity, and judicial activism. His works underscore the innovations made by the Supreme Court in interpreting the provisions of the Constitution in a broad-based manner to serve the social justice. He also goes into detail in outlining major decisions that show the judiciary system wants to pursue substantive equality, public interest litigation and socio-economic welfare.[7]

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[4] S.P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits*, (Oxford University Press, New Delhi, 2002).

[5] Upendra Baxi, "The Avatars of Indian Judicial Activism: Explorations in the Geographies of [In]Justice", in S.K. Verma and Kusum (eds.), *Fifty Years of the Supreme Court of India: Its Grasp and Reach*, (Oxford University Press, New Delhi, 2000).

[6] D.D. Basu, *Introduction to the Constitution of India*, (23rd edn., LexisNexis Butterworths, New Delhi, 2018).

[7] M.P. Jain, *Indian Constitutional Law*, (7th edn., LexisNexis, Gurugram, 2014).

According to Granville Austin, Indian Constitution was a moving social revolution. To him, the framers of constitution aimed at uniting personal rights with social justice by balancing the constitution structure. His analysis of history gives an explanation as to how integration of the Fundamental Rights and the Directive Principles was a planned policy to change a vastly unequal society into an egalitarian society.[8]

Justice P.N. Bhagwati is widely recognized for his significant contribution to the Supreme Court's commitment to social justice in India. Under his leadership, the Court expanded its role in defending the rights of the poor and voiceless, particularly through innovations such as Public Interest Litigation (PIL). By focusing on substantive justice and emphasizing the spirit of the Constitution over its rigid textual interpretation, Justice Bhagwati ensured that constitutional guarantees became more accessible to marginalized sections of society. His approach exemplified how the judiciary could act as a catalyst in advancing social justice, making the Supreme Court a more effective guardian of constitutional values.[9]

C. Raj Kumar has discussed mechanisms of access to justice in Indian institutions and has noted the part learned with respect to legal reform in enhancing delivery of social justice. He criticizes the procedural and the structural problems in the Indian judicial setup which frustrate the delivery of justice to the vulnerable groups. His work supports the concept of the existence of specific organizations that help to address the differences in the system such as the Social Justice Committee.[10]

A revolutionary contribution of Justice V.R. Krishna Iyer was made in the making of the jurisprudence of social justice. He is the other character known as the activist judge and due to this, he used the aid of the Constitution most of the time and made the access to justice sort of a

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[8] Granville Austin, *The Indian Constitution: Cornerstone of a Nation*, (Oxford University Press, New Delhi, 1999).

[9] P.N. Bhagwati, "Judicial Activism and Public Interest Litigation," *Columbia Journal of Transnational Law*, Vol. 23, 1985, pp. 561–577.

[10] C. Raj Kumar, *Corruption and Human Rights in India: Comparative Perspectives on Transparency and Good Governance*, (Oxford University Press, New Delhi, 2011).

human right and nurtured the downtrodden. His case was also typified with his tendency at times to intermingle the constituents of the humanitarian interests of the aspects of the law and gave the poor, the worker and the prisoner their say as part of his paradigm cases.[11]

Marc Galanter's sociological perspective on the Indian legal system highlighted the structural disadvantages faced by the "have-nots" in accessing justice. His theory of "repeat players" versus "one-shotters" exposed how institutional bias and procedural complexity often disfavor weaker sections of society. His work is foundational in understanding systemic inequality in legal outcomes, which justifies the need for mechanisms like the Social Justice Committee.[12]

As the main draftsman of the Indian Constitution, Dr. B.R. Ambedkar conceived the formulation of social justice as a moral foundation of Indian Constitution. He thought in substantive equality especially of Dalits and other marginalized societies and made it clear that no political democracy would be a good one without the social and economic democracy. His ideologies have impacted significantly in the constitution which upholds the affirmative action and the dignity of each citizen.[13]

Raja Ram Mohan Roy was the pioneer and contributor to establishment of social reform in India that preconditioned the development of constitutional values into the Indian law. He was pioneer with regard to the field in moral and ethical governance which was founded on human dignity and equality by his struggle against social evils like Sati and caste discrimination. His input continues to transform the bigger picture of Indian judiciary with regard to social justice.[14]

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[11] V.R. Krishna Iyer, *Law and the Poor*, (Deep and Deep Publications, New Delhi, 1980).

[12] Marc Galanter, "Why the 'Haves' Come Out Ahead: Speculations on the Limits of Legal Change," *Law & Society Review*, Vol. 9, No. 1, 1974, pp. 95–160.

[13] B.R. Ambedkar, *Annihilation of Caste*, (Navayana Publishing, New Delhi, 2014).

[14] Amiya P. Sen, *Raja Rammohan Roy: An Apostle of Indian Modernity*, (Routledge India, New Delhi, 2012).

The constitutionalism and democracy in India by Sudhir Krishnaswamy tests the interaction of institutional design and social result. He criticizes the shortcomings of formalistic understandings of rights and advocates more in-depth approach towards substantive aspects of justice. His discussion favors institutional changes like fortification of judicial committees in charge of provision of social equity.[15]

C.J. Nirmal has offered a profound theological and philosophical interpretation of social justice in the Indian context, particularly in relation to human rights. His analysis emphasizes the interdependence between law, morality, and justice, and he advocates for a legal culture that integrates empathy, equality, and social responsibility. His work provides the ethical underpinning for expanding legal obligations toward the marginalized.[16]

The edited compilation of B.N. Kirpal records the institutional development and the contribution of the Supreme Court in forming the constitutional and legal environment of India. It provides commentary by great judges and jurists on the great landmarks like PIL, Environmental Law and Affirmative Action and a lot of information on how the Court has led social justice than the traditional judicial role of adjudicating cases can be derived.[17]

A philosophical and institutional dilemma in the Indian constitutionalism is critically dealt Pratap Bhanu Mehta. He says that the judiciary has increasingly become an actor of resistance or counter-majoritarian justice yet it has failed to be consistent in what it deems as liberty, equality and social

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[15] Sudhir Krishnaswamy, *Democracy and Constitutionalism in India: A Study of the Basic Structure Doctrine*, (Oxford University Press, New Delhi, 2009).

[16] C.J. Nirmal, *Human Rights in India: Historical, Social and Political Perspectives*, (Oxford University Press, New Delhi, 2000).

[17] B.N. Kirpal et al. (eds.), *Supreme but Not Infallible: Essays in Honour of the Supreme Court of India*, (Oxford University Press, New Delhi, 2000).

rights. His practice requires a greater consensus, institutional accountability particularly in such procedures as the judicial committee.[18]

Rajeev Dhavan has looked at the inconsistency of Indian legal system on the rights of the minorities, secularism, and affirmative action. He is critical of the judicial practices that tend to follow the majoritarian versions of justice and emphasizes the importance of institutional checks used to contain pluralism. His observations are sufficient to explain why there is a need to consider social structures such as the Social Justice Committee through a rights-based perspective.[19]

Flavia Agnes brings a feminist legal perspective to the discourse on justice. Her work focuses on the intersectionality of gender, class, and caste in the Indian legal system, exposing the structural inequalities faced by women in accessing justice. By advocating for reform in family law and criminal procedure, Agnes argues that justice delivery must go beyond mere legal formalism to be truly inclusive.[20]

3. Research Problem

The Indian courts, particularly the Supreme Court, have consistently supported the concept of social justice as part of their constitutional responsibility. However, despite strong constitutional provisions, there has been limited systematic exploration of how effectively the Supreme Court has fulfilled this mandate in practice. While landmark cases and the development of Public Interest Litigation (PIL) have expanded access to justice, persistent socio-economic inequalities continue to affect marginalized groups such as Scheduled Castes, Scheduled Tribes, women, Other Backward Classes, and religious minorities.

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[18] Pratap Bhanu Mehta, *The Burden of Democracy*, (Penguin Books India, New Delhi, 2003).

[19] Rajeev Dhavan, *Reserved! How Parliament Debated Reservations 1995–2007*, (Rupa Publications, New Delhi, 2008).

[20] Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India*, (Oxford University Press, New Delhi, 1999).

This gap between constitutional ideals and ground realities highlights the need for a critical examination of the Supreme Court's social justice jurisprudence. Although the Court has occasionally experimented with institutional innovations to strengthen access to justice, these remain supplementary and under-documented in academic literature. The more pressing issue—and the focus of this study—is to evaluate how the Court's decisions, interpretations, and constitutional philosophy have translated into meaningful outcomes for disadvantaged communities.

Therefore, the research problem centers on the underexplored dimension of the Supreme Court's social justice commitment: identifying where it has succeeded in bridging systemic inequalities, where limitations persist, and what doctrinal and practical barriers prevent the realization of constitutional promises.

4. Research Questions

i. What is the constitutional mandate of the Supreme Court with respect to social justice, and how has it been interpreted over time?

ii. How have landmark judgments of the Supreme Court expanded or reinforced the scope of social justice in India?

iii. In what ways has the Supreme Court addressed systemic inequalities affecting marginalized groups such as Scheduled Castes, Scheduled Tribes, women, minorities, and economically weaker sections?

iv. What role has judicial creativity—such as Public Interest Litigation (PIL) and progressive interpretation—played in advancing social justice, and what are its limitations?

v. What gaps exist between the constitutional ideals of social justice and their implementation through judicial decisions, and how can these be addressed?

vi. How does the Supreme Court's approach to social justice compare with international trends in constitutional courts and human rights jurisprudence?

5. Hypotheses

i. The Supreme Court of India has played a significant role in promoting social equity and protecting marginalized groups through its commitment to social justice.

ii. There exists a gap between the constitutional ideals of social justice and their practical realization through judicial decisions and enforcement mechanisms.

iii. Judicial innovations such as Public Interest Litigation (PIL) and expansive interpretations of fundamental rights have strengthened the Court's ability to advance social justice, but challenges of consistency and implementation remain.
iv. The Supreme Court's approach to social justice demonstrates both successes and limitations when compared with international constitutional courts and human rights jurisprudence.

6. Objectives of the Study

i. To analyze the constitutional mandate of the Supreme Court with respect to social justice and its evolution over time.
ii. To evaluate the role of the Supreme Court in addressing systemic inequalities through landmark judgments and progressive interpretations of constitutional provisions.
iii. To examine how judicial innovations such as Public Interest Litigation (PIL) and rights-based jurisprudence have expanded access to justice for marginalized groups.
iv. To identify the gaps and limitations in the Supreme Court's pursuit of social justice, including issues of enforcement, consistency, and practical impact.
v. To offer suggestions for strengthening the Supreme Court's role in advancing social justice, drawing on comparative perspectives from other constitutional courts and international practices.

7. Research Methodology

The primary methodology adopted in this research will be **doctrinal legal research**, as the study is based on constitutional interpretation and judicial pronouncements relating to social justice. This will involve a systematic review of constitutional provisions, legislative frameworks, and landmark judgments of the Supreme Court that have shaped the jurisprudence of social justice in India. The doctrinal approach will enable a critical understanding of how constitutional ideals have been interpreted, expanded, and operationalized through judicial decisions.
In addition to the doctrinal framework, the study will incorporate a **limited empirical element** to enrich the findings. This may include questionnaire-based interviews with legal professionals, judges, and practitioners involved in constitutional litigation related to social justice. Where available, case material analysis of outcomes will also be utilized. This **mixed-method approach**

will provide a balanced perspective, combining theoretical insights with practical experiences from the legal community.

The **primary sources** of this study will include the Constitution of India, landmark judgments of the Supreme Court, government reports, and official publications relevant to social justice. **Secondary sources** will consist of academic books, peer-reviewed journal articles, legal commentaries, and reputable newspaper archives. These sources will be critically analyzed to establish both the conceptual foundation and practical dimensions of the Supreme Court's commitment to social justice.

8. Scope and Limitations

Scope

This research applies to the **Supreme Court of India** and its constitutional role in advancing social justice. The study focuses on the Court's jurisprudence, interpretation of constitutional provisions, and landmark judgments that have shaped the discourse on equality, dignity, and protection of marginalized groups. The analysis is limited to the Indian judicial context, though selective comparative references to foreign practices will be included to situate India's approach to social justice within a broader global perspective.

Limitations

The study primarily relies on **doctrinal research**, and therefore is not based on extensive fieldwork or intensive empirical surveys. Any empirical data, such as interviews with legal experts or practitioners, will serve only a supplementary role. In addition, the research is confined to published sources, judicial decisions, and official reports available up to the year 2025. Developments occurring after this period will not be included within the scope of the study. These constraints define both the boundaries of inquiry and the depth of institutional review undertaken in this research.

Chapter Scheme

Chapter 1: Introduction and Theoretical Background

This chapter introduces the research theme by contextualizing the evolution of social justice in

India. It outlines the research problem, objectives, research questions, hypotheses, and methodology adopted. The chapter also presents the theoretical underpinnings of constitutional justice, including principles enshrined in the Preamble and relevant Fundamental Rights and Directive Principles, thereby establishing the academic foundation of the study.

Chapter 2: Literature Review and Conceptual Framework

This chapter provides a comprehensive review of classical and contemporary works by scholars and jurists on social justice, constitutional interpretation, and judicial responsibility. It identifies research gaps in understanding the Supreme Court's commitment to social justice and develops the conceptual framework that guides the analysis in subsequent chapters.

Chapter 3: Constitutional Mandate and Jurisprudence of Social Justice

This chapter analyzes the constitutional mandate of the Supreme Court in advancing social justice. It traces the evolution of social justice through key constitutional provisions and landmark judgments, examining how the Court has interpreted and expanded the scope of equality, liberty, and dignity to benefit marginalized groups.

Chapter 4: Judicial Approaches and Case Studies

This chapter investigates the role of the Supreme Court in shaping and delivering social justice through landmark cases, Public Interest Litigation (PIL), and progressive interpretation. Selected case studies will illustrate how the Court has addressed systemic inequalities, protected vulnerable communities, and balanced constitutional ideals with practical realities.

Chapter 5: Challenges, Comparative Insights, and Recommendations

The concluding chapter synthesizes the findings to assess the successes and limitations of the Supreme Court's social justice commitment. It highlights structural and implementation challenges, draws comparative insights from other constitutional courts, and offers practical recommendations for strengthening the role of the judiciary in advancing social justice in India.

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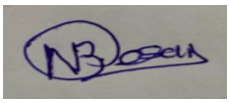

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